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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 2142

In re

Patent Application of

Gary E. Lavelle, et al.

Application No. 09/618,516

Confirmation No.: 9389

Filed: July 18, 2000

Examiner: Thong H. Vu

"INTERNET BASED ACCESS POINT
MANAGEMENT SYSTEM"

I, Susan L. Buckingham, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Susan L. Buckingham
Signature

Oct. 5, 2006
Date of Signature

APPLICATION FOR PATENT TERM EXTENSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance and the determination of patent term adjustment mailed on July 10, 2006, the Applicant respectfully requests reconsideration of the patent term adjustment and hereby applies for a patent term adjustment from 795 days as granted by the United States Patent and Trademark Office to 1,173 days, as of October 3, 2006, plus the number of days occurring from October 3, 2006, to the actual issue date of this patent.

The Applicant requests this patent term adjustment on the basis of 37 C.F.R. § 1.702(b), for failure to issue a patent within three years of the actual filing date of the application. The subject patent application was filed on July 18, 2000. The first Office action was mailed on November 26, 2003. A Notice of Allowance was mailed on April 5, 2004. This Notice of Allowance indicated a 795 day patent term extension. An Issue Fee transmittal, along with formal drawings and an issue fee payment was mailed on April 28, 2004. The postcard included

with the Issue Fee transmittal was stamped by the United States Patent and Trademark Office on May 3, 2004 and was received by the applicant's attorney on May 7, 2004. A Notice of Recordation of Assignment was received on October 14, 2004. A status request was mailed by the Applicant on November 1, 2004; April 7, 2005; July 6, 2005; and an attempted conference call was made on July 28, 2005. Prosecution was reopened on February 28, 2006. A second Notice of Allowance was mailed on July 10, 2006. An Appendix is attached to this application which lists a partial history of prosecution, including the above-noted dates.

This patent is not subject to a Terminal Disclaimer.

The Applicant made continuous and diligent attempts to diligently prosecute and conclude examination of the application. These diligent attempts include numerous status requests mailed to the United States Patent and Trademark Office and numerous telephone calls made to the designated Examiner. These diligent attempts did finally result in reopening of the prosecution on February 28, 2006. However, this leaves a period from the mailing of the issue fee and Issue Fee transmittal on April 28, 2004 to the reopening of prosecution on February 28, 2006, which is unexplained. As noted, the Applicant made numerous and repeated attempts to contact the Office and the Examiner through status requests and telephone calls. It is respectfully contended that there was no failure by the Applicant to engage in diligent efforts to conclude examination and prosecution of this application.

CONCLUSION

In light of the foregoing, Applicants respectfully request a patent term adjustment to 1,173 days plus the number of days occurring from October 3, 2006, to the patent issue date.

The undersigned is available for telephone consultation at any time during normal business hours.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Donald W. Walk', written in a cursive style.

Donald W. Walk

Reg. No. 29,118

Docket No.: 061134-9038
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APPENDIX

PARTIAL HISTORY OF PROSECUTION

7/18/2000	Application filed
11/24/2003	Power of Attorney filed
11/26/2003	Office Action
1/14/2004	Notice of Acceptance of Power of Attorney mailed
4/05/2004	Notice of Allowance mailed – 795 day extension
4/15/2004	New Assignment sent
4/28/2004	Issue fee transmittal mailed – with formal drawings
5/03/2004	Return postcard received
10/14/2004	Notice of Recordation of Assignment received
11/01/2004	Status Request sent
4/07/2005	Status Request sent
7/06/2005	Status Request sent
7/28/2005	Conference attempt
2/28/2006	Prosecution reopened